

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Plaintiffs' Master Administrative Long-
Form Complaint and:

Marvin Fleming, et al. v. National
Football League, et al. (Plaintiff
Daniel Johnson ONLY)

Court File No. 2:13-cv-00051-AB

**MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL
FOR PLAINTIFF DANIEL
JOHNSON**

J. Gordon Rudd, Jr., Brian C. Gudmundson, and Michael J. Laird of Zimmerman Reed LLP ("Plaintiff's Counsel"), move this Court pursuant to Pennsylvania Rule of Professional Conduct 1.16(b)(1) and United States District Court for the Eastern District of Pennsylvania Local Rule of Civil Procedure 5.1(c) to withdraw as counsel in relation to the claims of Daniel Johnson only in this action, and state as follows:

1. Plaintiff's counsel filed the action *Marvin Fleming, et al. v. National Football League, et al.*, No. 12-cv-9270 in the Southern District of New York on December 19, 2012 and it was then transferred to the Eastern District of Pennsylvania on January 4, 2013, No. 2:13-cv-00051-AB, for the benefit of several retired National Football League players, including Daniel Johnson.

2. Plaintiff's counsel filed a short form complaint for Daniel Johnson on January 10, 2013.

3. Despite the efforts of the undersigned on Plaintiff's behalf, the NFL Concussion Settlement Claims Administrator informed Zimmerman Reed LLP that Plaintiff retained separate counsel to represent him in this case.

4. Specifically, on January 25, 2022, the Claims Administrator issued an NFL Representation Notification ("Notice") to Zimmerman Reed LLP, stating that Plaintiff informed the Claims Administrator that he is represented by a different lawyer, and listing Byron Cuthbert and Associates, LLC as the "New Lawyer Requested by Settlement Class Member".

5. The Notice provides "seven days to communicate with the Settlement Class Member and come to a resolution" before the Claims Administrator would "update the Class Member's representation in [its] database to the new lawyer above." Zimmerman Reed LLP has not discussed further representation with Daniel Johnson. More than seven days have passed from the Notice date.

6. Under the circumstances, it is apparent that Mr. Johnson has hired separate counsel to represent him, that those counsel have been identified to the Claims Administrator, and that the undersigned must move the Court for leave to withdraw as counsel.

WHEREFORE, Plaintiff's counsel respectfully requests this Court for leave to withdraw as counsel for Daniel Johnson only in Court File No. 2:13-cv-00051-AB.

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Dated: March 9, 2022

Respectfully submitted,

ZIMMERMAN REED LLP

s/ Brian C. Gudmundson

J. Gordon Rudd, Jr. (#222082)

Brian C. Gudmundson (#336695)

Michael J. Laird (#0398436)

1100 IDS Center, 80 South 8th Street

Minneapolis, MN 55402

Telephone: (612) 341-0400

Facsimile: (612) 341-0844

Gordon.Rudd@zimmreed.com

Brian.Gudmundson@zimmreed.com

Michael.Laird@zimmreed.com